

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANTHONY, INC.,)
)
Plaintiff,)
)
v.) No. 3:05-MC-31
) (Jordan/Shirley)
JERRY WHEELER, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Docs. 3, 11] of the Honorable Leon Jordan, United States District Judge, for disposition of the Joint Motion for Protective Order filed on behalf of non-parties Gemtron Corporation (“Gemtron”), Mark Delp, and Abe Albrecht [Doc. 1] and Anthony, Inc.’s (“Anthony”) Motion to Transfer Determination of the Gemtron Witnesses’ Motion for Protective Order [Doc. 9].. The Court held a hearing on these motions on September 21, 2005.

With respect to Anthony’s Motion to Transfer [Doc. 9], the parties agree that this Court has jurisdiction to adjudicate the pending motion for protective order and that a transfer of this motion to the court where the underlying action is pending is a matter solely within the discretion of the Court. For the reasons stated during the hearing, the Court declines, in its discretion, to transfer this motion to the Middle District of Tennessee. Accordingly, Anthony’s Motion to Transfer [Doc. 9] is **DENIED**.

The parties shall submit a proposed Order resolving the issues related to the Motion for Protective Order [Doc. 1].

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge